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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BRIAN T. MURREN and DANIEL L. MORRILL

Appeal 2009-001810
Application 09/845,752[1]
Technology Center 2400

Decided: June 14, 2010

Before JOSEPH L. DIXON, JAY P. LUCAS, and ST. JOHN COURTENAY III, *Administrative Patent Judges*.

LUCAS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal from a final rejection of claims 1 to 8 and 10 to 34 under authority of 35 U.S.C. § 134(a). Claim 9 is cancelled. (Brief 5). The

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[1] Application filed April 30, 2001. The real party in interest is General Electric Capital Corporation.

Board of Patent Appeals and Interferences (BPAI) has jurisdiction under 35 U.S.C. § 6(b).

We affirm the rejection.

Appellants' invention relates to a software architecture for server software separating the presentation code layer from the business logic code so they can be independently modified for different business situations. In the words of Appellants:

> A multi-layer software architecture permits efficient and timely construction of business processes and server-based software applications for many diverse domains, such as business-oriented domains like asset management, leasing and lending, inventory tracking, and so forth. The architecture is arranged into several hierarchical layers. An execution environment layer handles incoming requests from remote clients and selects the appropriate problem-solving logic to process the requests. The problem-solving logic is organized within a problem-solving logic layer that defines the application for a specific problem domain. For individual requests, the logic performs various series of tasks to process the requests and produce replies that will be returned to the clients.
>
> A data abstraction layer facilitates retrieval of data from external resources and maps the data into a domain framework for the problem domain. A data coordination layer provides an interface for the logic layer to access the domain framework so that the logic layer can obtain the data from the resources when processing the requests. A presentation layer structures the replies generated by the logic into a desired appearance and encodes the replies using formats and communication

> protocols supported by different clients (e.g., Web browsers, wireless communications devices, personal digital assistants, etc.).
>
> The presentation layer is divided into two tiers: a presentation tier and a rendering tier. The presentation tier contains code that structures how replies will appear when presented at the client. It includes such functionality as selecting which data or content to be displayed, performing any transformations or manipulations of the data or content, and selecting an output format appropriate to the conditions, preferences, and properties of the user and/or client device. The rendering tier contains code that controls how the responses are output to particular clients. The rendering tier includes such functionality as determining how to display, print, or otherwise render the content to the user.

(Spec. 3, l. 26 to 4, l. 25).

Claim 1 is exemplary, and is reproduced below:

> 1. A server system, comprising:
>
> one or more computers; and
>
> an application executing on the computers to handle client requests, the application comprising:
>
> a business logic layer to process the client requests according to a particular business domain and produce replies to be returned to the clients in response to the client requests;
>
> a presentation layer separate from, but in communication with, the business logic layer to structure the replies in a manner that makes the replies presentable on different types of client

> devices according to a tag library containing pre-constructed tags for a variety of data formats; and
>
> a request dispatcher to structure a reply for service back to a client device, the request dispatcher being configured to access the tag library to obtain tags to structure the reply according to a particular data format.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Helgeson	US 6,643,652 B2	Nov. 4, 2003 (filed on Jan. 12, 2001)

REJECTION

The Examiner rejects the claims as follows:

Claims 1 to 8 and 10 to 34 stand rejected under 35 U.S.C. § 102(e) for being anticipated by Helgeson.

Appellants contend that the claimed subject matter is not anticipated by Helgeson for failure of the reference to teach claimed limitations. The Examiner contends that each of the claims is properly rejected.

The rejection will be reviewed in the order of Appellants ' arguments. Only those arguments actually made by Appellants have been considered in this opinion. Arguments that Appellants could have made but chose not to make in the Brief have not been considered and are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(vii).

ISSUE

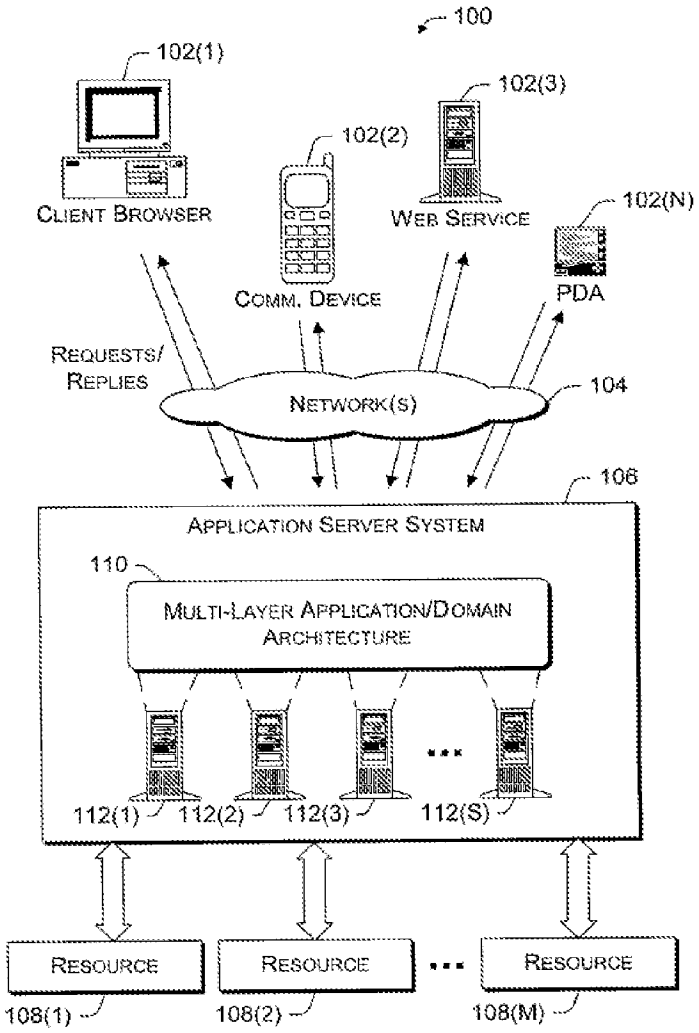
The issue is whether Appellants have shown that the Examiner erred in rejecting the claims under 35 U.S.C. § 102(e). The issue specifically turns on whether Helgeson teaches the business logic layer and tag library in the system and method as claimed.

FINDINGS OF FACT

The record supports the following findings of fact (FF) by a preponderance of the evidence.

1. Appellants have invented a multi-layered software architecture for efficient construction of server software applications. (Brief 7, top). The software's presentation layer, which structures replies to queries to be returned to the clients, is separate from the problem solving logic. (Spec. 45, top). This permits programmers to reuse code for different business domains with different business logic without having to reprogram the presentation sections of code. (Spec. 3, bottom). The presentation layer adapts the reply for various devices, clients, branding, and other customizations. (Spec. 14, middle). Tagged data from a tag library helps further customize the reply for different languages, device formats and protocols. (Spec. 34, bottom).

2. Appellants' Figure 1 demonstrates the hardware environment of the invention:



Appellants' Figure 1

3. Helgeson teaches a large distributed network system for servicing the business needs of a multi-platform enterprise. (Col. 1, l. 48). The system, viewed in Figure 17, teaches accessing multiple business servers to answer queries from diverse clients across the business network. (Col. 134, ll. 54 to 65). Business servers, such as #1727 (mislabeled 5027 in the figure) communicates with other business servers and generates answer to queries. (Col. 135, l. 5). Interface servers (such as #1721) convert the responses to the appropriate formats for the receiving clients.

(Col. 135, l. 20). The customization of the responses is aided by tags with internationalized (variable-language) specifications from a tag library. (Col. 51, l. 67).

4. Helgeson's Figure 4 shows the hardware environment of the reference.

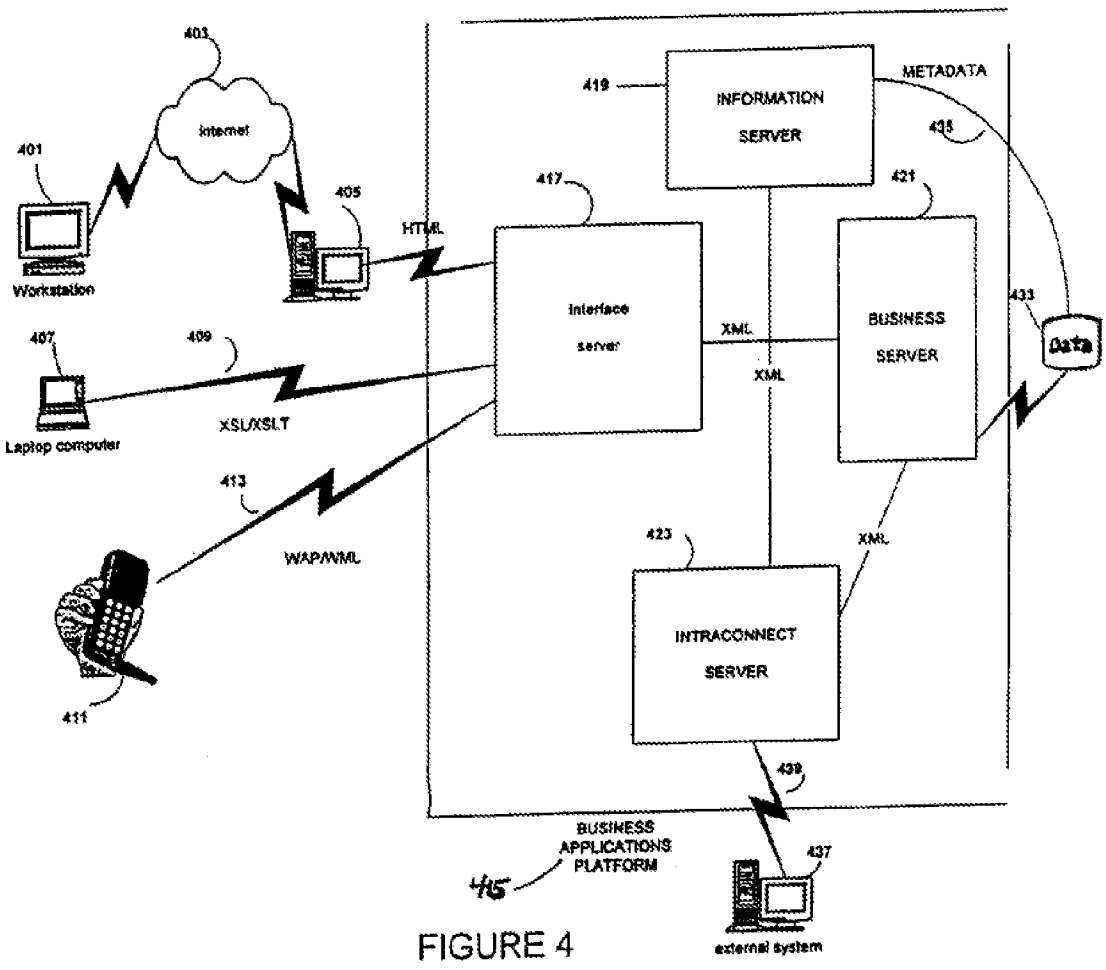


FIGURE 4

Helgeson's Figure 4

PRINCIPLES OF LAW

Appellants have the burden on appeal to the Board to demonstrate error in the Examiner's position. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006) ("On appeal to the Board, an applicant can overcome a rejection [under § 103] by showing insufficient evidence of prima facie obviousness or by rebutting the prima facie case with evidence of secondary indicia of nonobviousness.") (quoting *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998)).

In rejecting claims under 35 U.S.C. § 102, "[a] single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation." *Perricone v. Medicis Pharm. Corp.,* 432 F.3d 1368, 1375 (Fed. Cir. 2005) (citation omitted).

"A reference does not fail as an anticipation merely because it does not contain a description of the subject matter of the appealed claim in ipsissimis verbis." *In re May*, 574 F.2d 1082, 1090 (CCPA 1978) (citing *In re Schaumann*, 572 F.2d 312, 317 (CCPA 1978).

"It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim." *In re King*, 801 F.2d 1324, 1326 (Fed. Cir. 1986) (citing *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1457 (Fed. Cir. 1984)).

ANALYSIS

From our review of the administrative record, we find that the Examiner presents his evidence for a prima facie case of anticipation on pages 3 to 10 of the Examiner's Answer. In opposition, Appellants present a number of arguments.

Arguments with respect to the rejection of claims 1 to 8 and 10 to 34 under 35 U.S.C. § 102(e)

The Examiner has rejected the noted claims for being anticipated by Helgeson. Appellants argue that Helgeson does not teach a "business logic layer" as recited in the claims. (Br. 14, middle). More specifically, Appellants argue that "data is not processed to produce replies to the client according to a particular business domain." (Br. 15, middle). The Examiner has pointed particularly to the Business Server 421, which is linked to various other servers supplying business information (Helgeson, col. 11, ll. 39 to 67; Ans. 4, top). We find that Helgeson does provide replies to clients of different types. (Col. 11, l. 65; col. 135, l. 20). The replies containing information within various business domains is also taught. (Col. 135, l. 49 teaches information from the Human Resources domain.). Appellants have focused their comments on the aspect of the Helgeson system that converts formats; however, we find the diverse teachings of Helgeson fairly present a business logic layer teaching replies returned to the clients. (Fig 17, #5001, 5003, 5005).

Appellants argue further that Helgeson's style sheets fail to disclose a tag library, to obtain tags to structure a reply according to a particular data format. (Br. 18, top; Br. 19, middle). Helgeson's Figure 8B teaches the

processing of the requested information to produce customized web content. (Col. 51, l. 54). A tag library is disclosed including tags for various purposes in the HTML output, including the form of the response and any internationalization of the responsive data. (Col. 52, ll. 1 to 10). We thus find this aspect of the claims anticipated by Helgeson, as rejected by the Examiner.

With regard to claim 2, Appellants contend that Helgeson "fails to disclose an application being reconfigurable" to other business domains. (Br. 20, bottom). The Examiner points to Helgeson's Business Development Kit, which modifies the standard business model with enhanced security or caching when required by other business units. (Ans. 5, top; Hegleson col. 6, ll. 32 to 40). We do not find error in the application of this teaching.

With regard to claim 19, Appellants contend that Helgeson fails to disclose that the presentation tier determines "at least one of (1) layout of the data, (2) a color scheme..." (Br. 24, bottom). Helgeson, as noted above, teaches the creation of HTML pages to display the requested data. (Col. 51, ll. 53 to 67). The HTML pages describe the layout of the presented data, thus anticipating this claim. (*Id.*). Appellants will note that only one of the listed configuration elements need be taught in Helgeson, according to the wording of the claim.

Appellants' arguments with regard to the remaining claims are based on variations of the contentions discussed above, and are not found to demonstrate error in the Examiner's rejection.

CONCLUSIONS OF LAW

Based on the findings of facts and analysis above, we conclude that the Examiner did not err in the rejection of claims 1 to 8 and 10 to 34.

DECISION

The Examiner's rejection of claims 1 to 8 and 10 to 34 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

peb

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